

# **AB 2760 (Leno)**

**As amended 4/2/2008**

## **Light Brown Apple Moth Pesticides Environmental Impact Reports**

### **FACT SHEET**

#### **PURPOSE**

The California Department of Agriculture began aerial spraying of pesticide to eradicate the light brown apple moth in Monterey and Santa Cruz counties in the fall of 2007. The Department has proposed to expand the program to additional urban areas including San Francisco, Daly City, Colma, Oakland, Piedmont, Emeryville, Albany, El Cerrito, El Sobrante, Tiburon, and Belvedere.

Before widespread aerial applications of pesticides in urban areas to eradicate the Light Brown Apple Moth commence, an Environmental Impact Report should be completed to provide policy makers with a clear understanding of any possible impacts to human, animal, or environmental health.

#### **SUMMARY**

AB 2760 would require that an Environmental Impact Report (EIR) be completed before the California Department of Food and Agriculture (CDFA) can apply pesticide in an urban area for the eradication of the light brown apple moth.

#### **COMMENTS**

##### **The Light Brown Apple Moth**

The light brown apple moth (LBAM) is native to Australia that has spread to New Zealand, the United Kingdom, and coastal California. In February 2007 a UC Berkeley professor identified a light brown apple moth collected from his back yard and, in addition to Alameda County, it has subsequently been found in Monterey, Santa Cruz, Santa Clara, San Mateo, Contra Costa, Marin, San Francisco, Solano, Napa, and Los Angeles counties.

##### **Federal Quarantine**

These jurisdictions are currently under a federal quarantine order which prohibits the interstate shipment of certain agricultural goods as well as green waste. Napa and Los Angeles counties were originally included in the order, but the quarantine was lifted in those counties after small infestations were eradicated.

##### **CDFA's LBAM Action Plan**

In conjunction with the US Department of Agriculture (USDA), the CDFA has developed an action plan for the eradication of the light brown apple moth which commenced in Monterey and Santa Cruz counties last fall and is proposed to be

expanded in 2008 to include many Bay Area communities including San Francisco, Southern Marin, the Peninsula, and the East Bay.

The CDFA action plan includes a variety of eradication elements:

- Aerial spraying of moth pheromone that disrupts mating
- Release of tiny stinger-less wasps which eat LBAM eggs
- Pheromone infused twist ties attached to vegetation at isolated infestation sites
- Male moth attractant which is a mixture of clay, mineral oil, pheromone, and the insecticide permethrin that would be applied to utility poles and trees at a height of 8 feet
- Handheld spraying of plants and trees with BT (*Bacillus Thuringiensis*) or Spinosad which are bacteria based substances that are approved for organic agriculture

### **Evidence of Safety Inadequate**

There is widespread public concern about the action plan and there are numerous questions regarding the level of testing that has been done to determine the human, animal, and environmental impacts of the plan. An analysis of existing toxicological data on the moth pheromone completed by Richard B. Philp, D.V.M., Ph.D., recommended the following.

*“Since the decision to use aerial spraying as the method of application appears to have been made entirely on economic grounds, the decision should be revisited given the lack of adequate evidence for its safety in the long term. Either ground-based methods of application should be employed or an adequate chronic toxicity study should be conducted. Ground-based technology has the added advantage of posing less risk to the environment.”*

### **Prove Safety Before the Spray**

AB 2760 prudently requires that prior to the application of pesticide for the eradication of the light brown apple moth in an urban area; an environmental impact report must be completed. As it stands now, the CDFA has already conducted aerial spraying of the moth pheromone in Monterey and Santa Cruz counties without having adequate evidence of its safety in the long term.

Any substance that is to be sprayed over an urban area should first be proven safe before millions of people are repeatedly exposed. AB 2760 leverages the EIR, a well established process of public hearings, research, and studied conclusions, to serve as the fact finding tool to determine safety prior to the application of a pesticide.

### **Current EIR Not Required**

The CDFA is currently completing an EIR related to the LBAM action plan, but insists it is a voluntary action that is not required prior to proceeding with aerial spraying. Most concerning is that spraying has already occurred without an EIR or adequate study of the environmental impacts. The health of tens of thousands of people was risked based on incomplete information and economic motivations.

### **More Toxic Pesticides Possible**

It is already clear that CDFA has moved too quickly to aerial spraying. Should the current action plan involving the aerial application of pheromones along with wasps, bacteria, and ground-based insecticide fail, we may see the USDA or CDFA moving to more toxic pesticides.

### **EIR Requirement Needed**

AB 2760 establishes a requirement for an EIR effective January 1, 2009 to help protect us from imprudent actions in the eradication of the light brown apple in urban areas in the future.

## **SUPPORT**

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Family Winemakers

Pesticide Watch (Sponsor)  
Albany for Environmental Health  
Asian Immigrant Women Advocates  
Breast Cancer Action  
Butte Environmental Council  
California Nurses Association  
California Indian Environmental Alliance  
Center for Environmental Health  
Center for Third World Organizing  
Citizens for the Albany Shoreline  
Citizens for East Shore Parks  
Coalition for Clean Air  
Environmental Law Foundation  
Healthy San Leandro  
Learning Disabilities Association of CA  
Parents for a Safer Environment  
Planning and Conservation League  
Santa Cruz Women's International League  
for Peace and Justice  
Sequoia Audubon Society  
Sierra Club California  
StopTheSpray.ORG  
The Ecological Options Network  
Vote Health

## **VOTES**

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Assembly Natural Resources	(5-3)
Assembly Appropriations	(10-5)
Assembly Floor	(41-32)

## **OPPOSITION**

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